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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,346	04/20/2001	Oscar H. Campos	1293.01	2488

7590

08/25/2003

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EXAMINER

UBILES, MARIE C

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 08/25/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/838,346	Applicant(s) CAMPOS, OSCAR H.	
	Examiner Marie C. Ubiles	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input checked="" type="checkbox"/> Other: xxxx |

DETAILED ACTION

Drawings

1. The drawings in Figure 1 are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 28. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeded 150 words.

Correction is required. See MPEP § 608.01(b).

3. The use of the trademark DICTAPHONE has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (5,974,333). As for claim 1, Chen discloses a system including a vehicle dash-panel for use with at least one cell phone (See Detailed Description of the Invention, Col. 3, lines 46-48); said system comprises a dash-panel body comprising at least one elongate chamber or recess (See Figure 3, elements 44 and 412); said recess defining inner lateral surfaces proportioned for press-fittable receipt of at least forty percent of the mass of said cell phone (See Detailed Description of the Invention, Col. 3, lines 54-57 and Figure 6); said recess including an opening or mouth (See Figure 3, element 412) and a distal base (See Figure 3, element 45) and means for providing

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electrical communication with an audio module of the vehicle (See Detailed Description of the Invention, Col. 3, lines 37-44). It is inherent from Chen's claimed invention that the system comprises means to charge the cell phone (See Background of the Invention, Col. 1, lines 40-49 and Detailed Description of the Invention, Col. 3, lines 35-37).

Thus it can be seen that Chen's disclosure lacks the recess having a primary axis positioned at a diagonal relative to a horizontal plane defined by a vehicle dash-panel. The examiner takes official notice that the angle of a vehicle's dash-panel varies from model to model, therefore it would have been obvious to one of ordinary skill in the art, that the installation of Chen's unit on a vehicle having a dash-panel with an angle different than 90 degrees will provide a recess having a primary axis positioned at a diagonal relative to said dash-panel and wherein the mouth and distal base of the recess are transverse to the recess inner lateral surfaces and primary axis.

As for claims 2-4, Chen discloses speaker means, inclusive of amplifier means (See Figure 4, element 53), in electrical communication with audio inputs and outputs of a cell phone (See Detailed Description of the Invention, Col. 3, lines 37-44), means for charging a battery of cell phone positioned within dash-panel body (See Background of the Invention, Col. 1, lines 40-49 and Detailed Description of the Invention, Col. 3, lines 35-37) and in electrical communication with the aforementioned distal base of the recess (See Detailed Description of the Invention, Col. 3, lines 35-37 and Figure 3, element 45) and a modular vehicle audiotape, compact disk and radio assembly within which said recess (See Detailed Description of the Invention, Col. 3, lines 48-54),

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inclusive of recess inner lateral and base surfaces (See Detailed Description of the Invention, Col. 3, lines 54-57 and Figure 3, element 45).

In reference to claims 5-6 and 8, Chen discloses a system further comprising means for selectably playing-back or recording conversation from said speaker means, means for playing-back or selectably recording of audiotape, compact disk or radio originated material and means for playing-back or selectably recording driver and/or passenger originated memoranda (For all aforementioned limitations, see Summary of Invention, Col. 2, lines 12-17 and Detailed Description of the Invention, Col. 3, lines 48-54). As for claim 9, Chen discloses a system further comprising a cell phone with voice actuation means (See Detailed Description of the Invention, Col. 4, lines 47-50).

As for claims 10-13, they are rejected for the same reasons as claims 1-2 and 8.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (5,974,333) as applied to claim 3 above, and further in view of Watts (6,160,389). Chen discloses the invention as claimed except for means for selectably actuating and de-actuating the system charging means. Watts teaches "The battery charger circuit 14 has two modes of operation, standby and charging. In standby mode an AC input voltage is applied, however the assembly on/off switch 86 is set OFF preventing the assembly from charging the battery." (See Detailed Description of the Preferred Embodiment, Col. 5, lines 62-66).

Watts further teaches "Charging a [...] battery at elevated temperatures can potentially lead to destruction of the device, possibly resulting in damage to the battery

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charger." (See Background and Summary of the Invention, Col. 1, lines 29-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chen's invention by adding a on/off switch or actuator/de-actuator to the system charging means, therefore avoiding possible damage to the cellphone battery, charging means and other electrical devices within the system.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yazaki (5,418,836) teaches "[...] if the fitting recess is formed on the center console, the operability can be improved. Further, if the case and the fitting recess are respectively designed to have the same required standard size as that of the audio equipment, the vehicular radiotelephone equipment can be fitted in together with the various audio equipment as a unitary member." (See Summary of the Invention, Col. 2, lines 21-27).

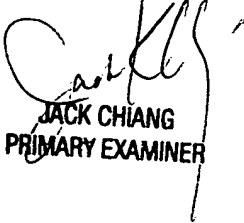
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7201 for regular communications and (703) 305-7201 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Marie C. Ubiles
August 22, 2003


JACK CHIANG
PRIMARY EXAMINER